

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 15-CR-0020 (PJS/JJK)

Plaintiff,

v.

ORDER

FRANK RUSSELL MCCOY,

Defendant.

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Andrew S. Dunne, Katharine T. Buzicky, and Kevin S. Ueland, UNITED STATES ATTORNEY'S OFFICE; Jeffrey Zeeman, UNITED STATES DEPARTMENT OF JUSTICE, for plaintiff.

Michael C. Hager, HAGER LAW OFFICE, for defendant.

Defendant Frank Russell McCoy is charged with possession of child pornography. The charges against McCoy are based on child pornography that was found on his computers by probation officers who were supervising him while his conviction for transporting obscene matter was on appeal. McCoy has moved to suppress that evidence, arguing that the searches of his computers violated the Fourth Amendment. McCoy has also moved to suppress statements that he made to the probation officers.

In a Report and Recommendation dated October 1, 2015, Magistrate Judge Jeffrey J. Keyes recommended that McCoy's motions to suppress be denied. McCoy objects to the R&R, and the Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed.

R. Crim. P. 59(b)(3). Based on that review, the Court agrees that McCoy's motions to suppress should be denied, and thus overrules his objection to the R&R.

The Court largely agrees with the reasons given by Judge Keyes for denying the motions. The Court will expand upon those reasons in a memorandum that it will issue in the near future.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES defendant's objection [ECF No. 66]. IT IS HEREBY ORDERED THAT:

1. The R&R [ECF No. 64] is ADOPTED.
2. Defendant's motion to suppress evidence [ECF No. 28] is DENIED.
3. Defendant's motion to suppress statements [ECF No. 29] is DENIED.

Dated: December 2, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge